

FISCAL NOTE

SB 3589 - HB 3693

February 16, 2008

SUMMARY OF BILL: Prohibits a district attorney from plea bargaining with a defendant charged with aggravated rape of a child or rape of a child if the agreement allows defendant to plead guilty to any offense other than the offense charged.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$92,400/One-Time
\$826,600/Recurring**

Assumptions:

- Case statistics maintained by the District Public Defenders Conference (DPDC) indicate that there were 71 cases statewide of child rape in which a guilty plea was entered. From the statistics the charge cannot be determined to which the defendant pleaded. Assuming half of the 71 cases (36) involved pleas to an offense other than child rape, there would have been at least 35 additional cases in which there would have been a jury trial for a Class A felony.
- According to the District Attorneys General Conference (DAGC), the case load could increase by an additional 70 cases. The DPDC and the DAGC would require additional personnel to cover the additional jury trials.
- It is estimated that the DPDC would require four additional assistant public defender (APD) positions and two additional support staff positions. The DAGC would require four additional assistant district attorney (ADA) positions and two additional support staff positions.
- One-time expenditures of \$92,400 ($\$7,700 \times 12$) reflect the cost of furniture, computer equipment, software, books and other related expenses for 12 additional positions. Recurring expenditures of \$676,400 reflect \$429,696 for salaries ($\$53,712 \times 8$) plus \$186,704 for benefits ($\$23,338 \times 8$) and \$60,000 in other related operating expenses for eight additional APD and ADA positions. Recurring expenditures of \$150,176 reflect \$104,688 for salaries ($\$26,172 \times 4$) and \$45,488 for benefits ($\$11,372 \times 4$) for the four additional support staff positions. The total recurring expenditures would be \$826,576 ($\$676,400 + \$150,176$).

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a distinct "W".

James W. White, Executive Director

/lsc